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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,668	08/25/2003	Fujio Akahane	Q77134	2143

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WASHINGTON, DC 20037

EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,668

Applicant(s)

AKAHANE ET AL.

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 25, 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-34 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16, 19-21, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 22-27 and 30-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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RECONSIDERATION

Upon further review of this application, it appears that pertinent art is present in the application. Any indication of allowable subject matter made in the previous Office Action is withdrawn herein. It is regretted that the relevance of the prior art had not been presented earlier.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1-4, 6-9, 16, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Widell (2,825,407). See Figure 7-9 where the guide member 70, 74, 76 is constituted of "projections" since they project from the spacers 80. As to claim 8, the finished product is shown by Widell. The plate material does not effect the construction of the punching apparatus.

Claims 1, 3, 8, 10, 14-16, 19-21 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ekstedt (2,309,942). See Figures 28-30 where the guide member 125 is provided with side portions that support the male die 124 that form the unpenetrated holes in the plate member and the male die 165 that form the penetrated holes in the plate member.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekstedt (2,309,942). It is maintained that sizing would be dictated by the size of the required workpiece. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Ekstedt's apparatus by sizing the pitch, hole and face to face distance according to the dictates of the workpiece dimensions.

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INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 22-27 and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

WITHDRAWAL OF NONELECTED CLAIMS

Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2005.

RESPONSE TO APPLICANT'S COMMENTS

As to applicant's comments relating to the Widell teaching, these have been noted. However, it is maintained that the claimed subject matter can be read on Widell's structure as noted above. Clearly, the "projections" are defined as the guide member 70, 74, 76 that project from the supporting structure 78, 80. Accordingly, Widell is still considered pertinent.

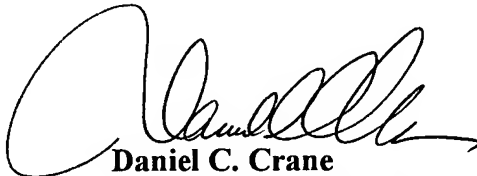
INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

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Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571-273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane
March 29, 2006



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725